

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE: PHARMACEUTICAL INDUSTRY)	
AVERAGE WHOLESALE PRICE)	
LITIGATION)	MDL No. 1456
_____)	Civil Action No. 01-12257-PBS
)	
THIS DOCUMENT RELATES TO:)	Hon. Patti B. Saris
)	
<i>United States of America ex rel. Ven-a-Care of</i>)	
<i>the Florida Keys, Inc., v. Abbott Laboratories,</i>)	
<i>Inc.</i>)	
CIVIL ACTION NO. 06-11337-PBS)	

**APRIL 1, 2007 STATUS REPORT OF THE UNITED STATES AND THE RELATOR
VEN-A-CARE OF THE FLORIDA KEYS**

The United States of America (“United States”) and Ven-A-Care of the Florida Keys, Inc. (“Ven-A-Care” or the “Relator”), Plaintiffs, through their undersigned counsel, respectfully file this Status Report for April 1, 2007 in accordance with the Court’s June 17, 2004 Procedural Order and state:

Complaint in Intervention

On March 17, 2006, in Civil Action No. 95-1354-CIV-GOLD pending in the Southern District of Florida, the United States filed a Complaint in Intervention against Abbott Laboratories, Inc. and Hospira, Inc. Plaintiff Ven-A-Care amended its Complaint per court order dated May 15, 2006 and adopted the United States’ Complaint in Intervention.

Removal from District Court and Transfer to the District Court of Massachusetts

On June 20, 2006, Defendants filed their Notice of Filing Notice of Related Action in *In Re Pharmaceutical Industry Average Wholesale Price Litigation*, MDL Docket No. 1456, pursuant to Rule 7.5(a) of the Rules of Procedure for the JPML, which notified the Panel of the pendency of the above styled case as a potential “tag-a-long” action to the Judicial Panel on

Multidistrict Litigation (JPML). On July 11, 2006, the JPML issued Conditional Transfer Order 30 ("CTO-30"). On or about July 27, 2006, CTO-30 was filed in the Office of the Clerk of the United States District Court for the District of Massachusetts, thereby vesting jurisdiction in this Court for all pre-trial matters, including discovery.

Voluntary Dismissal of Defendant Hospira, Inc.

On September 15, 2006, the United States, Relator Ven-A-Care of the Florida Keys, Inc., and the Defendant Hospira, Inc. stipulated and gave notice that the Defendant Hospira, Inc., was voluntarily dismissed from the action without prejudice. (D.E. 3109)

Protective Order

On February 16, 2007, the Court issued a Protective Order governing confidential information only as to the parties in this case. (Docket 3804)

Case Management Order (CMO)

On March 23, 2007, the Court issued CMO 29 governing the conduct of discovery only as to the parties in this case. (Docket 3956)

Pending Motions

1. Abbott's Motion to Dismiss filed on July 7, 2006 in the Southern District of Florida. On September 15, 2006, the United States' filed its Opposition to the Motion to Dismiss. In addition, the Relator filed a Joinder in United States' Opposition. On October 6, 2006, Abbott Laboratories, Inc. filed its Reply Memorandum in Support of its Motion to Dismiss. On October 18, 2006, the United States filed its Sur-Reply. Relator filed a Joinder in the United States' Sur-Reply.

2. United States' Motion to Compel Abbott to Produce All Discovery Required by CMO's 5 and 10 filed on January 9, 2007. (Docket 3529)

3. United States' Motion for Protective Order Relating to Deposition of Government Counsel filed on January 12, 2007. (Docket 3540)

4. Abbott's Motion to Compel Plaintiffs to Provide an Adequate Response to Interrogatory No. 7 filed on March 16, 2007. On March 30, 2007 the United States and Ven-A-Care filed motions requesting additional time to respond up to and including April 13, 2007. See United States' Unopposed Motion to Enlarge Time and Ven-A-Care of the Florida Keys, Inc.'s Joinder in the United States' Motion to Enlarge Time to Respond to Abbott Laboratories, Inc.'s Motion to Compel Plaintiffs to Provide an Adequate Response to Interrogatory No. 7 (Docket 3971 and 3972). Counsel for Abbott had no objection to the request for additional time.

5. Abbott's Renewed Motion to Compel Evidence Withheld under the Deliberative Process Privilege filed on March 28, 2007. (Docket 3959)

Scheduled Hearings

None at this time.

Pending Discovery

Numerous depositions have been noticed by both sides in this case. The parties have also served requests for production of documents, requests for admissions and interrogatories. The parties are in the process of responding to the discovery and resolving objections thereto.

Respectfully Submitted,

Dated: April 2, 2007

For the United States of America,

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CERTIFICATE OF SERVICE

I hereby certify that I have this day caused an electronic copy of the above **STATUS REPORT - APRIL 1, 2007 OF THE UNITED STATES AND THE RELATOR VEN-A-CARE OF THE FLORIDA KEYS** to be served on all counsel of record via electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by sending a copy to LexisNexis File & Serve for posting and notification to all parties.

/s/ Alison W. Simon

Dated: April 2, 2007